



PATENT
Attorney Docket No. 09700.0066-01000
SAP Ref. No. 2003P00324 US01

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Bjoern GOERKE et al.)	Group Art Unit: 2162
)	
Application No. 10/781,271)	Examiner: Robert Stevens
)	
Filed: February 17, 2004)	Confirmation No. 2046
)	
For: DEVELOPING AND USING USER)	
INTERFACES WITH VIEWS)	

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a pre-appeal brief review of the rejections set forth in the Final Office Action mailed on November 26, 2007 (hereinafter, "Final Office Action"). Applicants respectfully assert that (1) the claims have been at least twice rejected; (2) this request is being filed concurrently with a Notice of Appeal; (3) this request is being filed prior to an Appeal Brief; and (4) this request is five or less pages in length, all in accordance with the guidelines set forth in the Official Gazette Notice of July 12, 2005. Applicants request the prompt review of the Examiner's rejections set forth in the Final Office Action, and repeated in the Advisory Action mailed February 8, 2008, (hereinafter, "Advisory Action").

In the Final Office Action, the Examiner rejected claims 1-3, 5-24, and 28-31 as being unpatentable over U.S. Patent Application Publication No. 2004/0046789 of Inanoria (hereinafter, “*Inanoria*”) in view of U.S. Patent Application Publication No. 2003/0225829 of Pena et al. (hereinafter, “*Pena*”), the document entitled “Information Visualisation Using Composable Layouts and Visual Sets,” authored by Tim Pattison et al. (hereinafter, “*Pattison*”), and “Handling Multiple Domain Objects with Model-View-Controller,” authored by Michael J. Mahemoff et al. (hereinafter, “*Mahemoff*”).

I. The Rejection Under 35 U.S.C. § 103(a) is Legally Deficient Because *Inanoria* Teaches Away from its Combination with the Other Cited Art

The *M.P.E.P.* specifically states that “[i]t is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*) (emphasis added). As Applicants noted in their previous responses, the primary reference used by the Examiner, *Inanoria*, teaches away from its combination with the other cited references. More specifically, *Inanoria* states that “the present invention provides an extension to overcome the limitations of the conventional MVC (Model-View-Controller) pattern by using an Extended Model-View-Controller (XMVC) pattern with a more fine-grained division of GUI-managing components.” *Inanoria*, ¶ [0041] (emphasis added). Furthermore, *Inanoria* explicitly enumerates the disadvantages of the non-declarative approach in laying out GUI components. *Id.* at ¶ [0008]. For example, *Inanoria* specifically notes that “GUI data is normally bound or coupled with the GUI logic which normally makes the reuse of these GUI objects very difficult especially when working with multibehavioral or multi-modal pages.” *Id.*

Moreover, the Examiner acknowledges that *Inanoria* is referencing the deficiencies of the prior art, which the invention of *Inanoria* is expressly designed to overcome. Specifically, in the Advisory Action, the Examiner states that “*Inanoria* is discussing problems found in the prior art due to the use [of] inflexible data binding techniques by such prior art systems.” Advisory Action, p. 2. According to the Examiner, “*Inanoria* is merely recognizing that the use of such inflexible techniques are undesirable from a reuse standpoint.” *Id.*

However, *Inanoria* does more than recognize the problems found in the prior art, *Inanoria* is designed to overcome these problems. Thus, it is illogical to say that *Inanoria* references the deficiencies of the prior art MVC techniques, and then use *Inanoria* in combination with the specific prior art MVC techniques which *Inanoria* is attempting to overcome.

In other words, *Inanoria* expressly teaches away from the use of these prior art MVC techniques, and advances the use of different techniques. Thus, combining the techniques of *Inanoria* with the techniques it expressly discounts is contrary to at least *M.P.E.P.* § 2145(D)(2). Specifically, *Inanoria* teaches away from its combination with *Pena*, *Pattison*, and *Mahemoff*, and ignoring this fundamental failure of *Inanoria* in combination with the other cited art is in violation of one of the foundational concepts of a rejection under § 103(a).

A. *Inanoria* Teaches Away From its Combination with *Pena*.

For example, in contrast to *Inanoria*, *Pena* discloses the use of “a known Model-View-Controller (“MVC”) architecture.” *Pena*, ¶ 0069 (emphasis added). In *Pena*, “the Model-View-Controller architecture is implemented comprising a plurality of servlet filters, a servlet pipeline and a plurality of rendering processors” *Pena*, Abstract. “In one embodiment [of *Pena*], rendering processors 908 are pluggable software components that are bound to an immutable interface.” *Id.* at ¶ [0090] (emphasis added).

This known MVC architecture, having bound interface components, is precisely what *Inanoria* purports to overcome.

B. *Inanoria* Teaches Away From its Combination with *Mahemoff*.

Mahemoff also discloses conventional MVC architecture, stating that “we recently chose MVC as a framework for the underlying software, on the basis that it would be a simple but effective way to develop prototypes.” *Mahemoff*, § 1. *Mahemoff* further states that, “[a]lthough more sophisticated reference architectures exist . . . MVC is still relevant to study and refine” *Id.* *Mahemoff* states that “a basic rule of MVC [is] that a view-controller pair is associated with one model.” *Id.* at § 3.2.

Thus, *Mahemoff* also discloses a known MVC architecture with bound interface components of the type that the *Inanoria* reference purports to overcome.

C. *Inanoria* Teaches Away From its Combination with *Pattison*.

With regard to the combination of *Inanoria* with *Pattison*, *Pattison* fails to teach an MVC architecture in any form. Instead, *Pattison* discloses “[t]he Layout Composition Framework (LCF).” *Pattison*, § 3.2. *Pattison* discloses “the application of graph drawing and information visualisation techniques to the visualisation of information which can be modelled as an attributed graph.” *Pattison*, Abstract. According to *Pattison*, “[t]he heirarchy of containers can

be modelled as a *layout composition tree*” *Id.* at § 3.2.1 (emphasis in original). “Each node of the tree specifies a *layout rule*, which dictates the appearance of the corresponding container and the layout of its contents.” *Id.* (emphasis in original).

In *Pattison*, “[t]he layout composition specification editor shown in Figure 2 consists of the layout composition tree (left) and the *layout rule customiser* (right).” *Id.* (emphasis in original). Each node in the tree contains a layout rule for the corresponding container, the details of which are specified in the right-hand panel of Figure 2.” *Id.* “The layout of the contents of a container is determined by a *layout strategy*, which is selected by choosing a tab in the layout rule customiser shown at right in Figure 2.” *Id.* at § 3.2.2 (emphasis in original). This, too, is in contrast to the Model-View-Controller framework disclosed by *Inanoria*.

Thus, the rejection of claims 1-3, 5-24, and 28-31 fails to meet the requirements of at least *M.P.E.P.* § 2145(D)(2) and 35 U.S.C. § 103(a), and is therefore legally improper.

II. The Rejection Under 35 U.S.C. § 103(a) is Legally Deficient Because There is No Motivation to Combine the Cited References.

“If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” *M.P.E.P.* § 2143.01(V) (internal citations omitted).

As discussed above, *Inanoria* teaches away from its combination with *Pena* and *Mahemoff* at least because *Inanoria* attempts to overcome the deficiencies of the conventional MVC architectures and the corresponding conventional techniques disclosed in those references.

In addition, there is no motivation to combine *Inanoria* with *Pattison* at least because *Pattison* fails to disclose MVC architecture at all. Instead, as discussed above, *Pattison* discloses LCF architecture, an architecture not clearly contemplated or disclosed by *Inanoria*.

Thus, the combination of *Inanoria* with the cited references, whose deficiencies *Inanoria* is attempting to overcome, would render *Inanoria* unsatisfactory for its intended purpose. Therefore, there is no motivation to combine *Inanoria* with *Pena*, *Pattison*, and *Mahemoff*.


For at least the reasons discussed above, the rejection of claims 1-3, 5-24, and 28-31 fails to meet the requirements of at least *M.P.E.P.* § 2143.01(V) and 35 U.S.C. § 103(a), and is therefore legally improper.

III. Conclusion

For the foregoing reasons, Applicants respectfully submit that the rejection of claims 1-3, 5-24, and 28-31 includes legal deficiencies entitling Applicant to a pre-appeal brief review of the Final Office Action. Applicants request that the rejection be withdrawn and the claims allowed. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.


Anthony M. Gutowski
Reg. No. 38,742

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By: _____
Jeffrey A. Berkowitz
Reg. No. 36,743